

**Notice of Allowability**

Application No.

09/920,041

Examiner

Brian D. Nguyen

Applicant(s)

BARNARD ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/21/05.
2. ☒ The allowed claim(s) is/are 1-7, 9-12, 14-15, 17-21 (renumbered 1-18, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

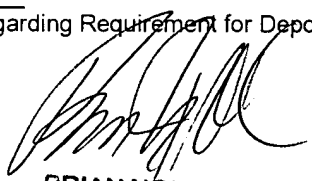
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12082005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
BRIAN NGUYEN  
PRIMARY EXAMINER

12/8/05

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Larry Liberchuk and Dicran Halajian on 12/8/05.

3. The application has been amended as follows:

**Claim 5.** A system as claimed in claim 1, wherein the communication channel for the first mode is only operable in the one of ~~an~~ the uplink and [a] the downlink direction channel not provided for the second mode, and means are provided for transmitting and receiving data normally routed via the absent channel of the first mode via a present channel for the second mode.

**Claim 7.** A primary station as claimed in claim 6, wherein the means for communicating according to [a] the first communication mode and the means for communicating according to [a] the second communication mode are located in separate stations and in that a communication link is provided between the stations.

**Claim 14.** A secondary station as claimed in claim 12, wherein ~~that~~ the means for implementing the second mode comprise means for obtaining a specification for the second mode from a source specified by the primary station.

**Claim 15.** A method of operating a radio communication system having a communication channel between a primary station and a secondary station, wherein the system

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supports communications according to first and second two-way communication modes, the communication channel comprises at least one of an uplink and a downlink channel for the first mode and one of an uplink and a downlink channel for the second mode, the other channel for the second mode being absent, and the method comprises transmitting and receiving data normally routed via an absent channel of one mode via a respective channel of the other mode; and the primary station transmitting information about a radio interface specification defining the second mode to the secondary station via the downlink communication channel of the first mode and by the secondary station implementing the second mode in response to the ~~received~~ transmitted information.

**Claim 18.** A communication station for communication with a further station, said communication station comprising:

a first transceiver configured to at least one of transmit first information over a first communication link in a first mode, and receive second information over a second communication link in said first mode;

at least one of a transmitter and receiver configured to at least one of transmit and receive third information over a third communication link in a second mode;

wherein when at least one of said first communication link and said second communication link is not available, then at least one of said first information and said second information is communicated to said communication station via said third communication link in said second mode, wherein at least one of said first transceiver and said transmitter is configured for transmitting specification information about a radio interface specification defining said

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second mode, said specification information being transmitted to said further station via at least one of said first communication link and said second communication link.

**Claim 22.** (Cancelled).

**Claim 23.** (Cancelled).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



12/8/05

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**